

CLASSIFICATION OFFICE DECISION

Title of publication: 035_35.JPG

Other known title(s): Not stated

OFLC ref: 2000211.023

Medium: Image File

Distributor: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

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| Classification: | Unrestricted. |
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Descriptive note: None

Display conditions: None

Date of entry in Register: 04 September 2020

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 04 September 2020

Summary of reasons for decision:

The image file depicts a naked woman in a shower cubicle. While there is nothing inherently sexual about her nudity, she has been photographed, albeit knowingly, in a place where privacy would reasonably be expected, giving the image a mildly voyeuristic tone. While the image may be startling to younger viewers, it is not overtly sexual enough to warrant a restriction on its availability. The issue is more one of causing offense, rather than there being any likelihood of injury to the public good. However, the provisions of the Films, Videos, and Publications Classification Act 1993 do not allow for publications to be restricted based solely on the likelihood of causing offense. The image is therefore classified unrestricted. This classification is consistent with the right to freedom of expression contained in the New Zealand Bill of Rights Act 1990.